

ABDUL-MUMIT MUHAMMAD,  
Petitioner,  
v.  
MARTY C. ANDERSON,  
Respondent.

Petitioner, an inmate confined at the United States Medical Center for Federal Prisoners, filed a motion pursuant to 28 U.S.C. § 2255 on April 29, 2008, in the Eastern District of Pennsylvania, challenging a sentence imposed in that district. That motion was dismissed on May 7, 2008. Thereafter, the United States District Court for the Eastern District of Pennsylvania determined that it appeared that petitioner had filed a motion under 28 U.S.C. § 2255 on May 5, 2008, seeking relief from a conviction and/or sentence imposed by the United States District Court for the Western District of Missouri. The Court therefore transferred petitioner's case to this district on May 16, 2008.

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Pursuant to the provisions of 28 U.S.C. § 4247(g), petitioner has the right to seek relief in habeas corpus under 28 U.S.C. § 4241 regarding a § 4246 commitment. The Court finds, however, that petitioner's case is not cognizable in this District as a § 2255 motion. Therefore, it will be recommended that the petition be dismissed without prejudice.

For the foregoing reasons, it is, pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri,

RECOMMENDED that the instant case be dismissed without prejudice

/s/ James C. England  
JAMES C. ENGLAND  
CHIEF UNITED STATES MAGISTRATE JUDGE

Date: 06/03/08